**AMENDMENTS TO THE DRAWINGS**

Please replace the drawing sheets containing Figs.1(a) through Fig. 9 (all the drawing sheets) with the attached replacement drawing sheets.

## REMARKS

Claims 1-19 are currently pending. Claims 1 and 3 has been amended. New claims 18 and 19 have been added. Support for the amendment to claim 1 may be found in the specification as originally filed, for example, page 15, lines 10-11. Claim 3 is amended for clarity. Support for new claim 18 may be found in the specification as originally filed, for example, page 21, lines 20-21. The language of new claim 19 is not repeated verbatim in Applicants' specification as originally filed. However, Applicants respectfully submit that one skilled in the art would have understood the inventor to be in possession of the presently claimed invention at the time of filing. Paragraph [0035] of Applicants' specification indicates that contamination of the liquid from the outside (for example, air) is to be avoided. The hollow filaments are used as a channel of the microfluid system. See, for example, paragraphs [0007] and [0008]. When porosity is discussed in Applicants' specification, it is only in terms of placing a material in a particular region of the hollow filament. See, for example, paragraph [0029]. If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. In other words, the description need not be in *ipsis verbis* [i.e., "in the same words"] to be sufficient. *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972).

**I. The Objection to the Drawings**

The drawings are objected to because the figures are not labeled.

The drawings have been amended to label the Figures. In addition, the Japanese text has been deleted. It is respectfully submitted that Applicants' drawings fully comply with 37 C.F.R. §§1.81, 1.83 and 1.84 and it is requested that the objection to the drawings be reconsidered and withdrawn.

**II. The Objection to the Specification**

The Examiner objects to the specification "as failing to provide a reference to the PCT in the first paragraph of the specification." The Examiner requires appropriate correction.

Applicants respectfully submit that Applicants' specification as filed does not need to be amended to recite a reference to the PCT in the first paragraph of the specification. The current application is a National Stage Application filed under 35 U.S.C. § 371. As stated in the MPEP §1893.03(c) III, note, "it is not necessary for the applicant to amend the first sentence(s) of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage."

Applicants' specification, page 9, has been amended for clarity and to use a USPTO recommended header.

In view thereof, it is respectfully requested that the objection to the specification be reconsidered and withdrawn.

**III. The Rejection under 35 U.S.C. 112**

The Examiner states that the recitation "function" in claim 1, line 4 is indefinite.

Applicants have amended claim 1 for clarity. Applicants respectfully submit that the presently claimed language is clear and definite. It appears that the Examiner considers the term "function" to be broad. However, a broad term does not make such a term indefinite.

For the above reasons, it is respectfully submitted that Applicants' claims are clear and definite and it is requested that the rejection under 35 U.S.C. §112 be reconsidered and withdrawn.

**IV. The Rejections Based on Durst et al.**

Claims 1-9, 12-13 and 17 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Durst et al. (DE 4308697).

Claim 10 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Wolk (US 6,148,508).

Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Frazier et al. (US 7,048,723).

Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Frazier et al. (US 7,048,723).

Claim 15 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Kitaguchi et al. (US 6,148,508).

Applicants respectfully submit that the present invention is not rendered obvious over the disclosures of Durst et al, alone or in view of the cited secondary references, and request that the Examiner reconsider and withdraw these rejections in view of the following remarks.

Applicants submitted Durst et al in an IDS filed April 9, 2007 in German with an English abstract and an European Search Report. With the Office Action dated January 26, 2009, the Examiner provided a computer generated English translation of Durst et al. The Examiner is requested to complete the file record by making the English translation of Durst et al of record. Further, while the partial machine generated English language translation of Durst uses page numbering, the Examiner's citations to lines on pages 1, 10 and 14 are confusing. Clarification is requested of the sections of Durst et al being cited by the Examiner.

Durst et al discloses hollow capillaries and a supportive frame. Durst et al reference appears to disclose that the walls of the individual hollow capillaries are microporous structures capable of letting gases and liquids in and out. Durst et al discloses the charging of a gaseous or liquid medium (Fluid I) with a second gas or a second liquid (Fluid II). It appears that Durst discloses that Fluid I is enriched by contacting Fluid I and Fluid II with each other. The main subject of Durst et al is not that Fluid II is admitted into the hollow capillary as is claimed in the present invention, but rather that Fluid I flows vertically to the membrane elements and that the fluids are contacted with each other.

Further, Durst et al does not disclose a particular internal region of the filament has a function. And Durst et al discloses the hollow filaments must be in contact with the fluids. However, in the present invention part of at least one hollow filament is exposed through the first supporting plate.

As to new claim 18, the at least one hollow filament functions as a connection terminal. That is, the ends of the hollow filaments of the claim 18 are connected to other components, which are different from the structure as in the Figures and disclosures of Durst et al.

As to new claim 19, contrary to the disclosures of Durst et al, the at least one hollow filament of claim 19 is nonporous. See also Figures 3 and 6 of Applicants' specification where a hole 41 or a relay unit 6 is used to mix or distribute the fed fluid and the port or relay unit is formed on the nonporous material, which is distinguished form the microporous structures of Durst et al.

The secondary references, Wolk, Frazier et al, and Kitaguchi et al, do not overcome the deficiencies in Durst et al discussed above. Therefore, even if Durst et al is combined with Wolk, Frazier et al, and Kitaguchi et al, Applicants' claimed invention would not have been obvious.

For the above reasons, it is respectfully submitted that the subject matter of claims 1-19 is neither taught by nor made obvious from the disclosures of Durst et al, alone or in view of Wolk, Frazier et al, and Kitaguchi, and it is requested that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

## V. The Double Patenting Rejection

Claims 1-11 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6, 8 of Copending Application No. 10/505,416.

This is a provisional rejection. Applicants postpone response until one of the instant application or the Copending Application is in condition for allowance. See MPEP 804.I.B.

## VI. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the objection to the drawing and specification, the rejection under 35 U.S.C. §112 and the rejections under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

/LEE C. WRIGHT/

Lee C. Wright
Attorney for Applicants
Registration No. 41,441
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

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Attachments: Replacement Sheets of Figures 1(a) through 9